

IRAQ AND THE BRITISH TREATIES

by

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IRAQ AND THE MANDATE SYSTEM

AT Baghdad on July 1, 1930 it was announced that a treaty of alliance had been concluded between Great Britain and Iraq to regulate the relations of their respective governments after 1932, when it is anticipated that Iraq will apply for admission to membership in the League of Nations. The signing of this treaty has been only the prelude to further negotiations in London concerning a series of supplementary agreements. On the outcome of these further negotiations the adoption or rejection of the new treaty by the Iraq Parliament probably depends. Political theorists are watching developments closely, for although this is not the first Anglo-Iraqi treaty ever concluded, it has an importance the others did not possess. It is unique, that is to say, inasmuch as it is the first treaty ever signed for the purpose of terminating on an unconditionally specified date the administrative control exercised by a mandatory power in any territory over which the League of Nations has assumed supervisory control under Article XXII of the Covenant.

Iraq, although usually classed with Syria, Greater Lebanon, Palestine and Transjordan as a mandated territory, is not, like these territories, administered under the terms of an instrument known as a mandate. It is recognized by the League of Nations, however, and by the United States¹ as being included within the regions to which Article XXII of the League Covenant, the fundamental charter of the mandate system, applies.² A mandate for Iraq was once drafted by the British government, but it was aban-

doned before the League Council had an opportunity to ratify it, and in its place was substituted a series of bilateral agreements between Great Britain and Iraq specifying the manner in which the relations of the two countries were to be governed. Thus, although in League circles and beyond Iraq is referred to habitually as one of the territories under Class A mandate, in Iraq itself there is a lively resentment against the implications of this classification, and leaders insist that the gains they have already made shall not be prejudiced by the use of a term which in the case of their country has become technically obsolete.

Iraq's success in avoiding subjection to a mandate (in the drafting of which it would have had no voice) has made it the envy of the mandated territories which have no treaties with the occupying powers.³ In Syria especially there has been a vigorous demand for benefits similar to those enjoyed under its treaty by Iraq. Iraq received a Parliament, a Constitution and a settled form of government before any of the neighboring mandated territories. Its Ministers were officially consulted when the terms of the treaty were being drafted. Its prospects of attaining independence have for eight years been brighter than those of neighboring mandated territories—and this in spite of the fact that standards of literacy, education and living in Iraq have for centuries been lower than in Syria and the Lebanon.

Why has Iraq enjoyed a favored position among the territories to which Article XXII of the League Covenant applies? What has been the nature of its actual relationship with Great Britain? What political advantages has it derived from this re-

1. Cf. Clause (ii) of the preamble to the tripartite convention of January 9, 1930 signed by representatives of Great Britain, Iraq and the United States; Great Britain, Foreign Office, *Convention between His Majesty and His Majesty the King of Iraq and the President of the United States of America regarding the Rights of the United States and its Nationals in Iraq*, United States No. 1, 1930, London, H. M. Stationery Office, 1930, Cmnd. 3503, p. 1.

2. Cf. *The Treaties of Peace*, New York, Carnegie Endowment for International Peace, 1924, Vol. I, p. 19-20.

3. Transjordan is the only territory actually administered under a mandate which also enjoys treaty relations with the mandatory power. Cf. Great Britain, Colonial Office, *Trans-Jordan: Agreement between the United Kingdom and Trans-Jordan*, London, H. M. Stationery Office, 1928, Cmnd. 3069.

lationship?⁴ What conflicts of interest have developed between the two governments? How is it proposed that these conflicts shall be settled? These are the questions which

BRITISH INTERESTS IN IRAQ

It is generally acknowledged that the strength of the resistance offered by Iraqis to the imposition of a British mandate was an important factor contributing to Iraq's political advancement. But it is far from being the only cause. In Syria, France had to carry on a war against the Arabs before there was any possibility of imposing its mandate upon them, while a series of subsequent uprisings, culminating in the rebellion of 1925, gave repeated evidence of the continuing opposition of the people and their leaders. In Palestine, too, the mandate has been bitterly opposed but never withdrawn. If uprisings in Syria and opposition in Palestine have not caused withdrawal of the mandates, why, it is asked, were anti-mandate agitations in Iraq followed by a change of policy? It is a common opinion that in Iraq the nature of local government and the nature of British interests have been such that Great Britain was better able to relax direct administrative control here than in Palestine, where the Jewish National Home experiment has complicated the political situation, or even in Transjordan, where society and government are still primitive.

In Iraq Great Britain's major interests are strategic and economic. A country of 116,511 square miles at the head of the Persian Gulf, Iraq has lived in a state of relative isolation ever since the sixteenth century, when the sea route to India via the Cape of Good Hope was substituted for the trans-desert caravan routes of the Near East, and Baghdad gradually ceased to be a centre of world trade. But today, when commercial flying is becoming established, Iraq is once more found to be in a strategic position on the shortest possible route from Europe to India. A 5,000-mile service from London to Karachi (the longest organized air route in the world today) has been established by Imperial Air-

naturally arise on the occasion of the signing of the 1930 treaty. They are the questions, therefore, with which the present report attempts to deal in succession.

ways Limited, which includes a semi-weekly service from Cairo to Baghdad and Basrah. Although subsidized by the British government, the company is increasing rapidly the amount of unsubsidized flying in Palestine and Iraq, traffic revenue having increased in this area by 48 per cent between 1928 and 1929.⁵ The Nairn Eastern Transport Company, a British concern, has also organized a 500-mile trans-desert motor-car service for passengers, mail and freight from Haifa and Beirut on the Mediterranean to Baghdad (and more recently to Teheran in Persia), making it possible to move heavy supplies rapidly from the Mediterranean to the Persian Gulf. In time it is expected that a railroad will be built under British auspices across Palestine, Transjordan and Iraq, which will still further facilitate communication between the various parts of the British Empire.⁶

Iraq's proximity to the Persian Gulf gives Great Britain other advantages, too. For decades Great Britain has policed the Persian Gulf to suppress piracy and to enforce the Trucial Treaties directed against the slave trade and trade in arms and ammunition.⁷ It has protected its national interests in this region and those of its subjects, especially in respect to navigation between Iraq and India and in respect to the oil supplies of the Anglo-Persian Oil Company.⁸ In re-

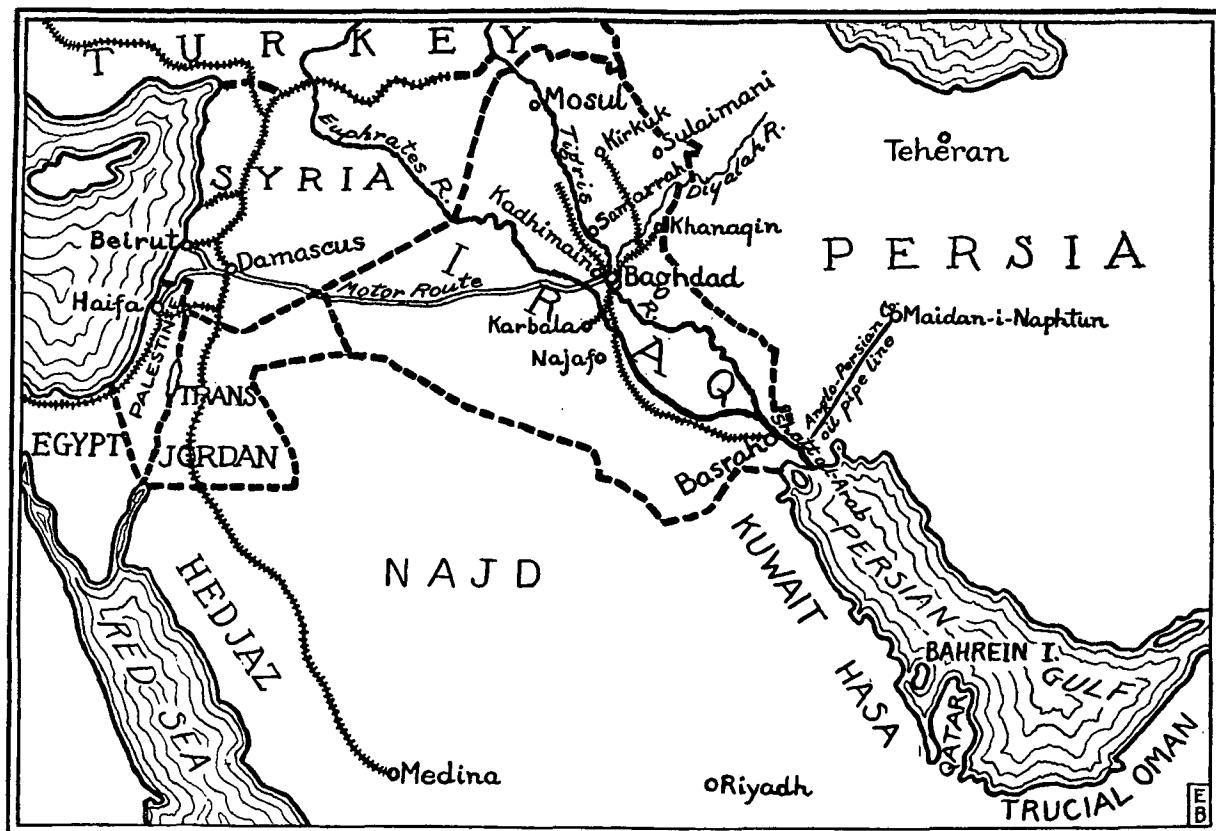
5. Cf. House of Commons, *Debates*, January 31, 1929, Vol. 224, col. 1149; also "Imperial Airways, Ltd." *Near East and India*, October 3, 1929, p. 387.

6. For a full account of the difficulties encountered in this area before 1914 by British enterprise, and especially for an account of the development of German and international transportation projects, cf. E. M. Earle, *Turkey, the Great Powers and the Bagdad Railway*, New York, Macmillan, 1923, *passim*.

7. Prior to 1914 Great Britain had succeeded in drawing into the sphere of its treaties not only Trucial Oman, Muscat and Qatar, but also Bahrein and Kuwait, whose Shaikhs received British protection from external attack in return for an undertaking that they would be guided by the British government in determining their foreign policy. Great Britain's rivals were thus shut out from these regions. But German influence was penetrating through the Ottoman Empire from the north, and it seemed likely before the World War broke out that the Berlin-Baghdad Railway would give Germany a share in Mesopotamian markets and a strategic position on the Persian Gulf which Great Britain hardly relished. *Ibid.*

8. "The Navy in the Persian Gulf," *Near East and India*, February 27, 1930, p. 236.

4. An estimate of the economic advantages the British connection has brought to Iraq is beyond the scope of the present study.



The Mandated Territories of the Near East

cent years its Persian Gulf patrol has consisted of an armed yacht and three sloops. Although Great Britain is not permitted under its international agreements to use any part of Iraq territory as a naval base, its special position in Iraq has naturally strengthened its position on the Persian Gulf also, as well as contributing to the consolidation of British interests in the Middle East generally.

ECONOMIC INTERESTS

It has sometimes been asserted, and as frequently denied, that Great Britain's interest in the undeveloped oil wealth of Mesopotamia (now known as Iraq) has had an even greater effect upon British policy than the strategic considerations just referred to. It was not until 1906 that a British subject made formal application to the Ottoman government for an option on a scheme to develop the Mesopotamian oil fields. From that time on, however, British interest in the possibilities of the field increased, as did that of oil concerns in Europe and the United

States. This general interest ultimately led the Iraq government to grant a 75-year oil concession in March 1925 to a consortium of British, American, French and Dutch concerns—the Turkish (later called the Iraq) Petroleum Company—in which British capital slightly exceeded that of any other country.⁹ The Anglo-Persian Oil Company, which participates to the extent of 23 $\frac{3}{4}$ per cent in the shares of the Iraq Petroleum Company, has itself been virtually controlled by the British government since the latter purchased a generous portion of its shares in 1914.¹⁰ Although the Iraq government anticipates substantial returns from this enterprise in the form of a royalty of four shillings a ton after production actually begins, these have not begun to come in yet, nor are they expected to do so until after a pipe line has been built to the Mediterranean. The only oil royalties received hitherto by the

9. "American Oil Interests in Mesopotamia," F. P. A. Information Service; Vol. II, No. 6, May 22, 1926. Other concerns are to be permitted to lease oil lands gradually (by annual sealed bids) after the Iraq Petroleum Company gets well under way.

10. E. M. Earle, "The Turkish Petroleum Company—A Study in Oleaginous Diplomacy," *Political Science Quarterly*, Vol. XXXIX, No. 2, June 1924.

Iraq government are those which have been paid by the Khanaqin Oil Company (Anglo-Persian Oil Company) operating in the Transferred Territories.¹¹

Other British interests in Iraq have naturally developed since the occupation began, such as cotton growing enterprises, irrigation projects, steamship services, and a series of individual undertakings. The British Cotton Growing Association, with interests in various parts of the British Empire, enjoyed a monopoly of ginning and baling operations in Iraq until 1929, when a national cooperative ginnery was completed; it also controlled the distribution of cotton seed.¹²

THE MILITARY OCCUPATION

Since 1914 the policies adopted by Great Britain for the protection of its interests in Iraq have passed through three distinct phases. The first was the period of military occupation from 1914 to 1920. The second phase—coinciding with the period of Iraq's struggle against the imposition of the mandate—extended from 1920 to 1924. The third phase, whose end is expected to be reached in 1932 with Iraq's admission to the League of Nations, may be described as the period of attempted revision of the experimental treaties.

The weight Great Britain attached to the protection of its Persian oil interests near the Mesopotamian border, its anxiety to supersede Turkey at the head of the Persian Gulf, and its interest in the oil fields of Mesopotamia itself were indicated by the fact that British troops from India were concentrated at Bahrein in October 1914, ready to strike at Mesopotamia even before Turkey declared war. They landed on November 6, eight days after Turkey's declaration of war, and began a campaign which lasted until November 8, 1918, more than a week after the conclusion of the armistice between Turkey and the Allies.¹³

11. These were former Persian territories awarded to the Ottoman Empire by decision of boundary commissions set up under the Turco-Persian agreements of November 21, 1911 and November 17, 1919. For survey of oil development, cf. Great Britain, Colonial Office, *Report by His Majesty's Government . . . on the Administration of Iraq for the year 1928* (hereafter cited as *Iraq Annual Report*), London, H. M. Stationery Office, 1929, p. 112-15; 1926, p. 105.

12. "Report of the British Cotton Growing Association," *Near East and India*, May 22, 1930, p. 582.

13. Great Britain, India Office, *Review of the Civil Administration of Mesopotamia*, London, H. M. Stationery Office, 1920, Cmd. 1061, p. 48.

In this campaign, according to a statement made in the House of Commons by Mr. Lambert (a private member) in a speech on February 27, 1923, some 889,000 persons were employed by the British, including soldiers, followers and others. The wounded numbered 51,000 and the killed 31,000. The cost of the Mesopotamian campaign has never been stated, the figures of expenditure in this area not having been kept separate from figures of expenditure in other areas.¹⁴

During the campaign period some thought was naturally given to the post-war settlement. In 1915, under the terms of the secret Sykes-Picot agreement, it was decided that in the event of victory a direct British administration would be established in southern Mesopotamia, while northern Mesopotamia would be divided between British and French zones of influence.¹⁵

In the following year, in order to secure the aid of the Arabs in the war with Turkey, Great Britain found it necessary to promise Hussein, Sherif of Mecca, that Great Britain would recognize and support the independence of the Arabs in the greater part of the region lying south of the present Turkish border—viz., those territories in which Great Britain "was free to act without detriment to the interest of her ally, France With regard to the vilayets of Baghdad and Basra," the British communication concluded, however, "the Arabs will recognize that the established position and interests of Great Britain necessitate special measures of administrative control, in order to secure these territories from foreign aggression, to promote the welfare of the local populations, and to safeguard our mutual economic interests."¹⁶

ANGLO-FRENCH DECLARATION OF INTENTIONS

On November 7, 1918, after the Turks had withdrawn and when the people of Syria and Mesopotamia were waiting for an announcement of the victors' intentions, a joint Anglo-French declaration concerning the future of

14. House of Commons, *Debates*, Vol. 160, col. 865.

15. J. de V. Loder, *The Truth about Mesopotamia, Palestine and Syria*, London, Allen and Unwin, 1923, p. 25.

16. Loder, cited, p. 21. The entire correspondence on this subject has not yet been published in spite of repeated requests (cf. "The Palestine Conflict," F. P. A. Information Service, October 16, 1929, Vol. V, No. 16, p. 275). It is an Arab contention that Great Britain finally undertook to allow all of Meso-

the "liberated territories" was made as follows:

"The end aimed at by France and Great Britain, in their carrying out of the war in the East unloosed by German ambition, is the complete and final enfranchisement of the peoples so long oppressed by the Turks, and the establishment of national governments and administrations, drawing their authority from the initiative and free choice of the native populations.

"To fulfil these purposes, France and Great Britain have agreed to encourage and help the establishment of native governments and administrations in Syria and Mesopotamia, which have been freed by the Allies, and in the territories whose liberation they are now pursuing, and to recognize these as soon as they are effectively established. Far from wishing to impose upon the populations of these regions any particular institutions, the Allies have no other desire than to assure, by their support and by an effective assistance, the normal functioning of the governments and administrations which the populations have freely given themselves. To assure an impartial and equal justice for all, to facilitate the economic development of the country by helping and encouraging local initiative, to favour the spread of education, to bring to an end Turkish political divisions, too long exploited, such is the rôle which the two Allied Governments assume in the liberated territories."¹⁷

Somewhat later (on October 11, 1919) President Wilson's Fourteen Points were published for the first time in Iraq. The twelfth of these, in referring to non-Turkish nationalities under Turkish rule, asserted the principle that they should be assured "an undoubted security of life and an absolutely unmolested opportunity of autonomous development."¹⁸

Both statements foreshadowed a new degree of responsibility on the part of the inhabitants in the conduct of their own affairs. The repetition of this suggestion fired the imagination of the inhabitants and aided the formation of a strong nationalist movement.¹⁹ Peace had not yet been made with Turkey, however, and until Turkey had formally ceded Iraq, Great Britain was prevented by international usage from making any definite settlement of the country's

Mesopotamia except Basrah to be included in an independent Arab State or federation of States, and to pay Hussein compensation for the British occupation of Basrah. This view has never been confirmed by the British government.

17. Loder, cited, p. 32.

18. Cf. H. W. V. Temperley, *A History of the Peace Conference of Paris*, London, Frowde, 1924, Vol. I, p. 434.

19. *Review of the Civil Administration of Mesopotamia*, cited, p. 126-27.

future, or from doing more than the minimum in the way of changing Ottoman law. The occupying authorities devoted themselves to building up administrative departments and establishing some semblance of order in the chaos bequeathed to them by the retreating Turkish officials.²⁰ In Baghdad and in the provinces the policy was followed of placing British officials in charge of administrative organization and of recruiting the subordinate staff locally.²¹

PREPARATION FOR PERMANENT GOVERNMENT

On May 29, 1919 the Acting Civil Commissioner, Colonel Wilson, announced at a banquet the steps that were being taken to "enable the inhabitants of 'Iraq to take a share from the first in managing their own affairs." In each province created there was to be set up a Council of Notables under the presidency of the British Political Officer. The Council would assemble "periodically to advise Government as to matters of provincial concern, such as education, agriculture, irrigation, roads, and the like." In the central government, Arab advisers would be appointed to assist the British heads of departments,²² so as to "initiate an increasing number of 'Iraq officials and non-officials into modern methods of administration, and at the same time to ensure that the administration will be in touch with local feeling and ambitions."²³

Already, in the winter months, in preparation for the creation of a permanent government when formalities with Turkey should have been completed, the British government had instructed the Acting Civil Commissioner to address three questions to

20. The rapid increase in the amounts spent on administration from one year to another is some indication of the growth of the various departments (Rs. 166,49,720 [about \$6,000,000] in 1918-1919, and Rs. 521,87,780 [about \$19,000,000] in 1919-1920). *Ibid.*, p. 119.

21. For an account of how this system operated, cf. *tibid.*, p. 128.

22. Miss Gertrude Bell, the only woman employed in an official capacity in the central administrative offices, wrote home on October 20: "One of the papers says, quite rightly, that we had promised an Arab Government with British Advisers, and had set up a British Government with Arab Advisers. That's a perfectly fair statement." *The Letters of Gertrude Bell*, New York, Boni & Liveright, 1927, Vol. II, p. 502.

23. *Review of the Civil Administration of Mesopotamia*, cited, p. 130. Colonel Wilson explained that these were only first steps—an earnest of British intentions rather than a considered scheme of government. He reminded those who might desire a more ambitious scheme that Iraq needed "expert guidance and foreign assistance" if it were to escape "the fate of neighboring countries and to fulfil its high destinies."

the inhabitants, asking them: (a) whether they favored a single Arab State (under British tutelage) extending from the Persian Gulf to the northern boundary of the province of Mosul; (b) if so, whether they considered that the new State should be placed under an Arab Amir, or prince; and (c) in that case, whom they would suggest. Opinions varied. The Christians and Jews favored a British administration. So, too, did the people of Basrah—which had become a flourishing river-port during the British occupation. The Kurds of the north were not anxious to be included in an Arab State. Nationalists declared their desire for a unified Arab State independent of British control. Friends of Turkey also demanded the withdrawal of Great Britain. In some regions there were strong declarations in favor of continuing the British administration. In the Shi'ite Holy Cities,²⁴ however, resentment against the British occupation was so strong and excitement rose to such a pitch that in this region the inquiries had to be discontinued.²⁵

Opposition to the British grew during 1920 and led in the latter part of the year to violent disturbances of serious proportions. The causes of the outbreak were numerous. An aggressive nationalism was at work throughout the whole Near East—in Egypt, in Turkey, in Syria, Palestine and Mesopotamia. The Amir Faisal, the victorious son of Sherif Hussein, was installed as ruler in Damascus in the place of the Turks, and hoped to form an independent Arab government there. Mesopotamians in his entourage had similar ambitions for Iraq; they formed an Iraq League, carried on an anti-British agitation along the Upper Euphrates, and invited the Amir Faisal's brother, the Amir Abdullah, to enter Iraq and assume political leadership. There was resentment in many circles in Iraq itself over

24. Sectarianism in Iraq exercises a strong influence in everyday life. More than half the Moslem population of Iraq is Shi'ite, like the overwhelming majority of Persians. Under Ottoman rule the Sunnite minority was favored—since the Turks themselves are Sunnites—while the Shi'ite majority was oppressed in countless ways. For generations, therefore, the Shi'ites have opposed the central government and have leaned heavily upon the solicitous friendship of Persia. Thus by 1920 the Shi'ite divines of the Holy Cities of Iraq—Karbalah, Najaf and Kadhima—in were using their immense influence among the tribes in favor of the establishment of a Shi'ite government after four centuries of virtual exclusion from political office under the Sunnite Turks.

25. *Review of the Civil Administration of Mesopotamia*, cited, p. 128.

the form given to the administration by Colonel Wilson, and an impression that he wished to follow Indian precedents in Iraq. Moreover, the tribes of Iraq, never effectively controlled by the Turks, were determined to maintain a quasi-independence under the British occupation as they had under Ottoman rule. To these causes of unrest was added the decision of the Supreme Allied Council at San Remo that Mesopotamia should become a mandated territory under the tutelage of Great Britain. It was announced in Iraq on May 3, 1920 that Great Britain accepted the trust.

British Political Officers in Iraq, realizing the gravity of the situation and the desirability of meeting it with some definite plan for the organization of the State, had outlined a scheme a month earlier for Arab participation in government, providing for a British and Arab Council under an Arab president, and an elected Legislative Assembly. The Nationalists countered this move by demanding the institution of a purely Arab government as promised in the Anglo-French declaration. The British reply was that Sir Percy Cox, as High Commissioner, would shortly assume the duty of preparing a constitution for Iraq in cooperation with an elected general assembly.²⁶

In July the British authorities invited ex-Senators and ex-deputies familiar with the Turkish electoral law to aid them in preparing for the election of a general assembly. But the move came too late to prevent an uprising. The Euphrates tribes grew violent, the disturbances spread to the Diyalah, and difficulty was experienced in preventing them from extending to the Upper and Lower Tigris regions. In the Euphrates the British forces were driven back at first, and the Shi'ites preached a holy war. The story got abroad among some of the tribes that Great Britain had withdrawn from Iraq entirely; better informed Iraqis knew, on the other hand, that speeches had been made in the House of Commons favoring withdrawal; and for a time there was considerable uncertainty as to what the outcome of the disturbances would be. The 60,000 British troops in Iraq (including 53,000 Indian

26. *Ibid.*, p. 142.

troops) were not enough to cope with the situation. Reinforcements to the number of 21,000 arrived at the end of September, however, and by the spring of 1921 hostilities were practically over, although the sentiment of the inhabitants of the disturbed areas remained antagonistic to the British.

"I don't anticipate that we shall reinstall the political service in the Euphrates area,"

Miss Gertrude Bell, then Oriental Secretary to the High Commissioner, wrote home on August 23, 1920, "though what will take its place we don't foresee. It's a sad business to see the whole organization crumble."²⁷

The British casualty list included 876 killed and 1,228 wounded, while Arab casualties were said to total 8,450 killed and wounded.²⁸

THE ANTI-MANDATE AGITATION

Sir Percy Cox's arrival as High Commissioner in October 1920 coincided with the termination of military government. The treaty of Sèvres between Turkey and the Allies had been signed in August of the same year, and the field seemed free for the establishment of a permanent government in the Mesopotamian provinces ceded by that treaty.²⁹ Before an irrevocable decision was made in this matter, however, Mr. Winston Churchill, newly appointed Secretary of State for the Colonies, wished to convene a conference of British officials at Cairo to discuss the larger question of British policy in the Near and Middle East as a whole. In February 1921, accordingly, Sir Percy Cox took part in the Cairo Conference, bringing back with him instructions which were of far-reaching importance to Iraq.

In the first place it was decided that the majority of the British troops were to be evacuated, their place being taken by a much smaller number of local recruits, including a large proportion of Assyrians and Kurds. The Levies, as they were called, were to be supported by the British government. The Royal Air Force was to remain as a powerful arm of defense to supplement and support the Levies.

THE ESTABLISHMENT OF THE KINGDOM

The second decision concerned the form of Iraq's future government. The British authorities felt themselves under obligation

to the Sherif of Mecca and his son Faisal for the substantial aid they had rendered in the campaign against the Turks. They were somewhat embarrassed, therefore, by the fact that their former French allies had recently driven the Amir Faisal from his throne in Damascus. The suggestion that he be given a second throne in Baghdad was approved at the Cairo Conference and plans were made to prepare the minds of the Iraqis for his coming. British officials throughout Iraq were instructed that His Majesty's Government had adopted a Sherifian policy, that it intended to alter the existing form of administration in Iraq, to establish a monarchy, and oppose the election of a Turkish prince to the throne. The British government had no intention, they were informed, of forcing the Amir Faisal or any other candidate on the people; there was no reason, however, why officials should refrain from making it clear to the people that they considered him the most suitable candidate in the field. Among British officials there were several, however, who were strongly of the belief that a republic rather than a monarchy should be instituted in Iraq. Mr. St. John Philby, one of the outstanding members of the group, took this opportunity to resign, on the ground that the British government should not have adopted a Sherifian policy without first consulting the people.

The Amir Faisal's most formidable rival, Saiyid Talib Pasha, member of a prominent Iraqi family, had a considerable following and augmented it substantially during this period by touring the country to create a sentiment in his own favor. A certain truculence in his manner injured his position with the British authorities, however, and when he threatened on one occasion that armed

27. *The Letters of Gertrude Bell*, cited, Vol. II, p. 497.

28. Sir Aylmer Haldane, *The Insurrection in Mesopotamia*, p. 298, quoted in Loder, cited, p. 97.

29. Cf. *The Treaties of Peace*, cited, Vol. II, p. 794-96. The Treaty of Sèvres was repudiated by the Turkish nationalists and never went into effect. It was succeeded, however, by the Lausanne Treaty of July 24, 1923, for the text of which, cf. League of Nations, *Treaty Series*, Vol. XXVIII, p. 12.

force would be used against the British if they forgot to consult the wishes of the people in the actual choice of a ruler, he was arrested and deported to Ceylon.³⁰

In June the Amir Faisal came to Iraq from the Hedjaz, making an excellent impression by reason of his dignity and moderation added to the reputation he had already achieved as the leader of the Arab troops which fought their way to Damascus against the Turks in 1918. A Provisional Council of State established by the High Commissioner in 1920 under the presidency of a venerable Iraqi notable, the Naqib of Baghdad, adopted a resolution declaring Faisal King of Iraq, on condition that his government should be constitutional, representative, democratic and limited by law. The High Commissioner requested that representative committees of the people, called together by the native administrators of each locality on instructions from the Ministry of the Interior, should record their opinion of the resolution on prescribed forms. The referendum resulted in 96 per cent of the votes being cast for the Amir Faisal, while 4 per cent, chiefly in the Kurdish and Turkish communities of the north, were opposed to him. The voting was done for the most part by notables and men of substance in the communities where committees were formed. The Amir Faisal's accession occurred on August 23, 1921. The Naqib formed a new Cabinet and the country entered upon the development of governmental forms under a constitutional monarchy.

MANDATE OR TREATY?

The position assumed by the King's first Cabinet, as by the King himself, was that the mandate already drafted by British authorities and submitted to the League Council for its information on December 7, 1920,³¹ must be abrogated. This document resembled in most respects the mandate later approved by the League Council for Syria and the Lebanon. It referred in the pre-

amble to the agreement to give Iraq provisional recognition as an independent State, subject to the rendering of administrative advice and assistance by a mandatory until such time as it was able to stand alone. Its stipulations included the following:

- (1) The Constitution to be framed by the Mandatory should contain provisions designed to facilitate the progressive development of Iraq as an independent State.
- (2) The powers of the Mandatory, however, were to be of the widest nature. It was given authority to maintain troops in the territory and in effect to control the military forces of the Iraq government; it was also to control Iraq's foreign policy, to be responsible for establishing a judicial system which would safeguard religious communities and foreigners, and to guarantee freedom of conscience and worship.
- (3) Each community was to enjoy the right to maintain schools for the education of its own members in its own language. Instruction in and through the medium of the native languages of Mesopotamia was to be promoted by the Mandatory.
- (4) The immunities of sacred shrines were guaranteed.
- (5) Missionary enterprises were not to be obstructed or interfered with, nor missionaries discriminated against on grounds of religion or nationality.
- (6) There was to be no economic discrimination against nations of States members of the League of Nations.

By this time the British authorities had decided that it would be wise to regulate their relations with Iraq by means of a bilateral treaty, and had prepared such an instrument based on the provisions of the mandate.

Protests began to come in from the provinces when it was discovered that the treaty did not expressly abolish the mandate. In the Euphrates region, where a strong anti-British sentiment was again fanned by the Shi'ite clergy, administration collapsed. Earlier in the year it was openly charged that raids from the Nejd which had been occurring on the southern border of Iraq had been engineered by the British for the sole purpose of impressing Iraq with its dependence on British military support. In May, because a statement had been made by Mr. Churchill in the House of Commons on the subject of Iraq's attitude to the mandate which Iraqis believed to be misleading, telegrams were sent to the League of Nations, the Parliaments of Great Britain, France and Italy and to President Harding, the United States Congress and elsewhere,

³⁰ April 1921. Cf. *Iraq Annual Report, 1920-1922*, p. 11.

³¹ Great Britain, *Draft Mandates for Mesopotamia and Palestine as submitted for the Approval of the League of Nations*, Miscellaneous No. 3, 1921, London, H. M. Stationery Office, 1921, Cmd. 1176.

declaring that the Iraq nation "refused all mandates and protested against all decisions that would oppose a complete independence for Iraq." In August 1922 an anti-mandate demonstration was held in the very court-yard of the palace on the anniversary of the King's accession. It was dealt with severely by the High Commissioner, who secured the deportation of six nationalist agitators, closed the National Club and suppressed two nationalist newspapers. The disturbances along the Euphrates were put down with the help of air raids, and by September the situation seemed to be fairly well in hand.

After ten months of negotiation the treaty was finally signed on October 10, 1922. The

Cabinet only consented to its signature after it had been assured by the Colonial Secretary that "the Iraq mandate would be considered to have lapsed from the moment that the 'Iraq State was admitted to membership in the League of Nations."³² In the announcement of the Secretary of State which accompanied the text of the treaty the following statement was included:

"They [the British government] will do everything in their power to speed delimitation of the frontiers of 'Iraq, in order that 'Iraq may be in a position, when Treaty and subsidiary agreements therein provided for have been duly ratified and the Organic Law has been brought into effect, to apply for admission to membership of the League of Nations."³³

THE TREATY AND AGREEMENTS OF 1922

The Treaty of Alliance, although based on the discarded mandate, differed from it in a number of important respects.³⁴ The treaty provisions may be summarized as follows:

There was no definite recognition of Iraq as an independent, sovereign State. In the preamble the statements were made that His Britannic Majesty recognized Faisal Ibn Hussein as constitutional King of Iraq, and that the treaty was concluded "on a basis of alliance." Specific undertakings in the main body of the treaty began with the promise that His Britannic Majesty would provide the State of Iraq with such advice and assistance as might be required "without prejudice to her national sovereignty." These were the only satisfactions offered to nationalist *amour propre*. Among the other provisions of the 1922 treaty were the following:

(1) No gazetted official of other than Iraqi nationality was to be appointed in Iraq without British concurrence. (2) The Constitution of Iraq was to insure to all complete freedom of conscience and of worship, subject to the maintenance of morals and public order; there was to be no discrimination between inhabitants of Iraq on the grounds of race, religion or language. Each community would enjoy the right to maintain schools for the education of its own members in its own language.

(3) The King of Iraq would be guided by the High Commissioner's advice "on all matters af-

feting the international and financial obligations and interests of His Britannic Majesty"; he would fully consult the High Commissioner on what was conducive to a sound financial and fiscal policy. (4) Iraq would have the right to diplomatic representation in such capitals as were agreed upon. (5) Great Britain would use its good offices "to secure the admission of Iraq to membership of the League of Nations as soon as possible." (6) Meanwhile it would give Iraq military support.

(7) Judicial safeguards for foreigners were to take the place of the discarded capitulations. (8) There was to be no discrimination in taxation, commerce or navigation, or in the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft in the case of nationals of any State member of the League of Nations, or of any State to which Great Britain had agreed to insure such rights as it would have enjoyed had it been a member of the League. (9) No measure was to be taken in Iraq to obstruct or interfere with any missionary enterprise or to discriminate against any missionary on the ground of his religious belief or nationality. (10) Four separate agreements would specify in detail the terms to govern the employment of British officials, the judicial system and the military and financial arrangements. (11) Disputes as to the interpretation of the treaty would be referred to the Permanent Court of International Justice.

The resemblance of the draft treaty to the draft mandate gave nationalist groups new ammunition in their attacks on the mandatory power. Even more, however, was provided by three of the four subsidiary agreements—viz., the British Officials Agreement, and the Military and Financial Agreements.

³². *Iraq Annual Report, 1922-1923*, p. 23.

³³. *Ibid.*, p. 187.

³⁴. League of Nations, *Treaty Series*, Vol. XXXV, p. 14.

A brief review of these instruments, with special reference to the controversial items they contained, helps to make it apparent why more than two years of protracted discussion were to pass before the Constituent Assembly of Iraq reluctantly agreed to the ratification of the treaty and agreements.

THE BRITISH OFFICIALS AGREEMENT

In the British Officials Agreement the number and conditions of employment of British officials in Iraq were laid down as follows:³⁵

(1) In the case of eighteen specified posts³⁶ the Iraq government agreed to appoint British officials "as and when it may be requested to do so." Provision was also made for the appointment in various grades of other British officials, including technical and scientific experts, and clerical and subordinate staff. (2) All officials appointed under this agreement were to be in the service of the Iraq government, and responsible to it rather than to the High Commissioner. (3) Their salaries, specified in the agreement, and ranging from Rs. 3,500 (\$1,277) per month in Grade I³⁷ to Rs. 1,300 (\$474) per month in Grade V,³⁸ were to be paid by the Iraq government. Generous allowances were to be given in respect of leave, illness, payments into a provident fund and free passages to and from England.

(4) All non-military British officials were to be under the supervision of a disciplinary board composed of the Prime Minister, three Iraqi Ministers, a representative of the High Commissioner and three British officials nominated by the King.

(5) Officials occupying houses owned by the government were required to pay rent proportionate to their respective salaries. (6) Contracts entered into under the agreement were to continue in effect until all obligations were met, even should the Anglo-Iraqi treaty be terminated prior to that date.

THE MILITARY AGREEMENT

The second subsidiary agreement regulated the extent and conditions of the military support and assistance to be given Iraq by the British government as follows:³⁹

(1) The principle was recognized "that the Government of Iraq shall at the earliest possible

35. *Ibid.*, p. 36.

36. Among these were included Advisers to the Ministries of Interior, Finance, Justice, Defense, and Communications and Works; Directors or Inspectors-General of Irrigation, Public Works, Agriculture, Tapu (Registered and Government Lands), Surveys, Veterinary Services, Police, Posts and Telegraphs, Health, Education and Customs and Excise; President of the Court of Appeal; Director or Assistant Director of the Court of Appeal; Director or Assistant Director of Audit.

37. Advisers to the Ministers of Interior, Finance and Justice.

38. Assistant collectors of customs, survey officers, etc.

39. League of Nations, *Treaty Series*, Vol. XXXV, p. 104.

date . . . accept full responsibility both for the maintenance of internal order and for the defence of 'Iraq from external aggression.' (2) With this end in view, British military assistance was to be "progressively reduced with all possible expedition."

(3) British military assistance might take the form either of an Imperial garrison in Iraq or of locally recruited forces maintained by the British government.

(4) British officers would be provided whenever required by the Iraq government within the period of the treaty.⁴⁰

(5) The Iraq government would devote not less than 25 per cent of its annual revenue to the maintenance of its troops,⁴¹ and would increase the strength of the regular army progressively and form a reserve army.

(6) Every year the strength of British-maintained forces in Iraq would be reconsidered with a view to their progressive reduction.

(7) Should the Iraq government fail to give effect to any recommendation of the High Commissioner regarding the movements and disposition of the Iraq Army, it would not be entitled to military assistance from the British government. Neither would it be entitled to British military assistance if the High Commissioner considered that an external attack or civil disturbance was occasioned by action taken by the Iraq government contrary to his advice or express wishes.

(8) Whenever joint action was to be taken by British and Iraqi forces, command of the combined forces was to be vested in a British military commander selected for the purpose.

(9) The King of Iraq was to declare martial law on the request of the High Commissioner in case of external aggression or civil commotion, entrusting its administration to the Air Officer Commanding or someone designated by the latter.⁴²

(10) The Iraq wireless station was to be put at the disposal of the British forces when the High Commissioner requested it.

THE FINANCIAL AGREEMENT

The other instrument to which special objections were made was the Financial Agreement,⁴³ containing the following provisions:

40. Forty-six British officers were lent Iraq to assist in the organization, training and maintenance of the Iraq army. They could instruct, inspect, and advise, but had no executive authority. *Iraq Annual Report*, 1928, p. 111.

41. In practice the British government did not hold the Iraq government to this agreement strictly, and when the appropriations for the Iraq army fell below 25 per cent of the national budget grants-in-aid from the British Treasury were given Iraq to make up the difference. League of Nations, Permanent Mandates Commission, *Minutes of the Tenth Session*, p. 74, and *Report of Financial Mission*, p. 48.

42. The use of the Royal Air Force as a means of maintaining effective administration in Iraq was repeatedly criticized in the House of Commons. In 1924, accordingly, the Air Ministry published a defense of its policy, in which it was stated that defiance of the administration and resultant disorder were dealt with "in by far the great majority of cases" by the police. Air action was never initiated, except at the request of

(1) Certain public works already constructed by the British occupying authorities, including roads, bridges, posts, telegraphs, telephones and irrigation works, were to be transferred to the Iraq government at the valuation of Rs. 94,09,-540 (about \$3,500,000)—a sum payable in 20-year annuities—which the Iraq government undertook to meet. (2) The Iraq railways, on the other hand, all of which (except the German line from Baghdad to Samarrah) had been constructed by the British authorities, were to remain the property of the British government—unless some agreement to the contrary was reached by mutual agreement. For the treaty period, however, their management and administration were to be transferred to the Iraq government, railway revenues being kept separate from the general Iraq revenues. Should Iraq wish to acquire ownership of the railway system and yet fail to agree with the British government on the terms of transfer, the matter was to be referred to three arbitrators—or ultimately to the Permanent Court of International Justice. The arbitrators were to “take into consideration the expenses incurred by His Britannic Majesty’s Government in the construction, equipment and maintenance of the railways and the past, actual and prospective value of the railways to the Government and people of ‘Iraq.”

(3) The government of Iraq was not to sell any of these public works or to dispose of them in any way until its outstanding debt to the British government had been liquidated.

(4) The Port of Basrah was to be transferred to a Port Trust, and port receipts and expenditures were to be kept separate from the general accounts of Iraq. The Port Trust was to administer the port, subject to the approval of the British government, under the terms of a separate agreement; the debt of the Port Trust to the British government in consideration of this transfer was fixed at Rs. 72,19,000 (about \$2,600,000).

(5) Regardless of the duration of the Treaty of Alliance, the financial obligations contracted by Iraq would continue in force until their fulfilment.

(6) The Iraq government was to bear entirely the ordinary expenses of civil government and

the local British civil adviser acting in concert with the local Iraqi administration, and after the request had been approved by the Minister of the Interior and his British adviser, and by the High Commissioner. Bombing was only resorted to in answer to open and armed defiance persisted in after warning of the consequences of defiance had been given and explicit notice issued that air action would be taken unless submission was yielded. The employment of the air arm in lieu of ground forces provided a method of control more effective and less costly in life and suffering. Air action could be taken swiftly at the focus of trouble before disturbances had time to spread. It had special value “as a threat and as a means to close co-operation and co-operation of administrative effort over an immense area ill-provided with other means of communication.” Great Britain, Air Ministry, *Note on the Method of Employment of the Air Arm in Iraq*, London, H. M. Stationery Office, 1924, Cmd. 2217.

43. League of Nations, *Treaty Series*, Vol. XXXV, p. 146.

administration and the salaries and expenses of the High Commissioner and his staff. The British Parliament would be invited, however, “to make a contribution amounting to half of the . . . salaries and other expenses of the High Commissioner and his staff.” No taxes were to be levied against buildings or land occupied for official purposes by British military or civil authorities.

(7) Customs exemptions were granted on articles imported by members of the British forces, whether for personal use or otherwise; so, too, were articles imported for the official use of the British civil authorities.

(8) The government of Iraq undertook to meet as they fell due all sums or charges in respect of the Ottoman Public Debt assigned to Iraq under the treaty of Lausanne.⁴⁴

THE STRUGGLE AGAINST TREATY RATIFICATION

As already indicated, more than two years of protracted discussion were to elapse before the Iraq Constituent Assembly agreed to the ratification of the treaty and subsidiary agreements. In the first place a Shi’ite boycott made it impossible to carry out elections to the Constituent Assembly after they had been begun. The resulting deadlock was only broken after the British government agreed to reduce the treaty period from twenty years to four, and a protocol was added to the treaty to this effect (April 30, 1923) which included the following provision:

“The present treaty shall terminate upon Iraq becoming a member of the League of Nations, and in any case not later than four years from the ratification of peace with Turkey. Nothing in this protocol shall prevent a fresh agreement from being concluded with a view to regulate the subsequent relations between the High Contracting Parties; and negotiations for that ob-

44. The capital amount of Iraq’s share of the Ottoman Public Debt (together with advances and arrear contributions due) amounted to £T 8,388,126. (*Iraq Annual Report*, 1926, p. 73.) The Iraq government was naturally concerned at the necessity of meeting the large annuities due. Acting on British advice, Yasin Pasha al Hashimi, the Minister of Finance, secretly bought up actual Ottoman Debt securities which commanded at the time only a fraction of their nominal value. These were to be turned over to the Debt Council in settlement of a substantial portion of Iraq’s liability. Europe wondered who the unknown buyer was, but the market was not affected as it inevitably would have been had the secret of his identity become known. The purchases actually consumed a good deal more than was available in the Iraq Treasury for the service of the Ottoman Public Debt, but in consideration of the substantial saving to the country which the entire transaction involved, the Minister was willing to take the risk. (*Ibid.*, 1927, p. 91.) Questioned in Parliament in August 1928 as to the legality of his expenditure of reserve funds without the consent of Parliament, the ex-Minister promptly suggested his own impeachment and trial before the High Court. The question was turned over to a Parliamentary committee for decision. (*Ibid.*, 1928, p. 13.)

ject shall be entered into between them before the expiration of the above period.”⁴⁵

A new High Commissioner, Sir Henry Dobbs, was appointed⁴⁶ and plans were made for resuming the elections. The leading Shi’ite divine—a Persian by nationality—was deported to Aden and encouraged to resume a legitimate preoccupation in the form of a pilgrimage to Mecca. In time his colleagues adjusted themselves to the changed situation. In November 1923 two Shi’ites were appointed to the Iraq Cabinet, following which the Shi’ite community as a whole officially abjured its former policy of non-cooperation.⁴⁷ By March 1924 the elections were completed and the Constituent Assembly met for the first time and began discussing the Anglo-Iraqi treaty of alliance as amended by the protocol, together with the four subsidiary agreements which had been signed by the Cabinet just before the Assembly convened.

DEBATES IN CONSTITUENT ASSEMBLY

From March until December 1924 the Constituent Assembly debated the treaty and subsidiary agreements. In regard to the military agreement discussion during this period centred largely about the proposal to place the Iraq army under the virtual control of British officials. This provision was warmly opposed. In the case of the British Officials Agreement criticism was levelled against the elaborate provisions for special privileges and the size of salaries; the completeness of the High Commissioner’s control (supported as it was by a threat in the military agreement to withhold military aid if his advice were ignored) would nullify all provisions for the development of self-governing institutions, many believed. The financial agreement was condemned by Great Britain’s friends and opponents equally on the ground that it made excessive demands on the country. With respect to the treaty itself fears were expressed that Great Britain intended not only to dominate the Arab State established in the vilayets of Baghdad, Basrah and part of Mosul, but that it would

also insist on “the creation of a Kurdish belt [in the north], under permanent British control, which would perpetually dominate, from the mountains, the Arab population of ‘Iraq.’”⁴⁸ Nationalists were active in their agitation on these and other grounds and intimidated deputies to such an extent that those who had begun by favoring the treaty became afraid to express their views. The British High Commissioner charged that there was the “grossest misrepresentation” of the treaty, and stated that nationalists were generally believed to be the instigators of an attempt to assassinate two pro-treaty tribal deputies on April 20.⁴⁹

The British authorities on their part began to encourage the belief that if the treaty were not ratified they would withdraw to Basrah, leave the Mosul vilayet to be turned over to the Turks, and allow Baghdad to fall an easy prey to the rival encroachments of Turkey, Persia and the Nejd. In spite of these suggestions, a costly offensive was continued in the north against the turbulent Kurds of the Sulaimani region, while other capital expenditures (on a military hospital and on railways) were made in the region of Baghdad which probably would not have been incurred had the authorities been pessimistic enough about the outcome of the negotiations to believe that evacuation was really imminent.

In the end the High Commissioner forced the issue. He stated that if by June 10, 1924 no decision had been reached on the treaty it would be considered rejected and the British government would request the League Council at its June session to confirm the Iraq mandate. Such was the general dissatisfaction, however, that even this threat did not elicit the desired response. The deputies reached no decision in the session of June 10, intending to prolong the discussion on the following day. When the High Commissioner reiterated his threat, however, the deputies were dragged from their beds the same night and marched back to the Assembly, where shortly after midnight a quorum voted in favor of the treaty and agreements.⁵⁰ The following was the

45. League of Nations, *Treaty Series*, Vol. XXXV, p. 18.

46. For instructions given him on assuming office, cf. *Iraq Annual Report*, 1927, p. 11.

47. *Iraq Annual Report*, 1923-1924, p. 17.

48. *Ibid.*, p. 6.

49. *Ibid.*, p. 21.

50. The vote was 37 for and 24 against; 31 deputies were absent and 8 abstained from voting. Seven of the abstentions,

form of the resolution in which the opinion of the Assembly was expressed:

"This Assembly considers that many of the Articles of the Treaty and Agreements are so severe that 'Iraq would be unable to discharge the responsibilities of the alliance desired by the people of 'Iraq. But it relies upon and trusts the honour of the British Government and nobility of the British nation and is confident that they will not agree to burden 'Iraq, nor to prejudice the aspirations of its people. It is only this confidence and trust on the part of 'Iraq which has induced the Assembly to accept the statements which have been received from His Excellency the High Commissioner on behalf of the British Government, to the effect that the British Government, after the ratification of the Treaty, will amend with all possible speed the Financial Agreement in the spirit of generosity and sympathy for which the British people are famous. In view of this, the Assembly recommends that His Majesty the King should ratify the Treaty, Protocol and Agreements, provided that immediately after such ratification His Majesty shall enter into negotiations with the British Government for securing the amendments suggested by the Committee of the Assembly. . . ."⁵¹

The policy pursued by the British government was approved by implication in the British House of Commons on July 29, 1924, when the Middle East estimates for the year were adopted. The *Baghdad Times* quoted a number of British newspaper reports of the debates on this occasion, and among them the following article from the *Saturday Review*:

"Though the government announced in the course of the debate in the House of Commons that it will ratify the Anglo-Iraq Treaty and ignore the rider attached by the Baghdad Constituent Assembly, Iraq remains a very difficult question for Britain, as, indeed, was clear from what was said by the Colonial Secretary himself. Shall we be able to evacuate Iraq in four years, as is contemplated? First, there is the Mosul question that has to be settled with the Turk. Supposing it is settled, there still remain the fundamental facts that, owing to the lack of any genuine Nationalist sentiment among the Arabs, Iraq is a completely artificial State, and the State is kept together by British bayonets. These facts are not likely to undergo any change in four years, and this implies the continuance of British support for a much longer time. Sooner or later Iraq will have to be evacuated, at least as far south as Basrah, which should be retained in defence of the Navy's interests in the Anglo-

according to the High Commissioner, were on the part of pro-treaty deputies who were afraid of being murdered by their nationalist compatriots on the way home.

51. *Ibid.*, p. 22-3.

Persian oil fields and in the interests of general trade in the Gulf."

RATIFICATION OF TREATY

In November 1924 Great Britain and Iraq ratified the treaty of alliance and the subsidiary agreements. They had already been approved by the Council of the League of Nations on September 27, 1924⁵² as an adequate substitute for the draft mandate under whose terms it had formerly been intended that Article XXII of the League Covenant should be applied to Iraq. Great Britain formally agreed to assume toward all members of the League responsibility for the fulfilment by Iraq of the provisions of the treaty, and not to modify the latter without the consent of the League.⁵³

Although the reduction of the treaty period from twenty years to four years had been one of the changes which reconciled the Constituent Assembly to the ratification of the agreement, it was not long before the Iraq Parliament agreed to extend it again to twenty-five years. The League Council, called upon to render a decision in a boundary dispute between Turkey and Iraq, decided on December 16, 1925 that all but a fraction of the Mosul vilayet should be awarded to Iraq rather than to Turkey on condition that Great Britain prolong its treaty relationship with Iraq from four to twenty-five years,⁵⁴ unless before the expiration of that period Iraq should be admitted to League membership. Accordingly, in order not to lose the rich Mosul vilayet, Iraq entered into a new treaty with Great Britain on January 13, 1926.⁵⁵ It was provided that at four-year intervals two questions would be regularly considered: (a) whether it was possible for Great Britain to press for Iraq's admission into the League of Nations; and (b) if this were not possible, whether Iraq's

52. For Lord Parmoor's statement to the League Council on the substitution of a treaty for the mandate, cf. League of Nations, *Official Journal*, October 1924, Minutes of the Thirtieth Session of the Council, p. 1314.

53. For full terms of Great Britain's undertakings toward the League, cf. *ibid.*, p. 163.

54. League of Nations, *Official Journal*, February 1926, Minutes of the Thirty-Seventh Session of the Council, p. 187, *et seq.*, especially p. 192. For the Tripartite Treaty of Ankara in which Turkey finally ceded the disputed territory, cf. League of Nations, *Treaty Series*, Vol. LXIV, p. 380, 393.

55. Article 1. ". . . the said treaty shall remain in force for a period of twenty-five years from the 16th day of December 1925, unless before the expiration of that period Iraq shall have become a member of the League of Nations." The article applied to the subsidiary agreements as well as to the treaty of alliance. League of Nations, *Treaty Series*, Vol. XLVII, p. 427.

progress or any other consideration justified the amendment of the subsidiary agreements.

In the British House of Commons the Labour party made an attempt to prevent the government from ratifying the treaty,

EXPERIMENTS IN TREATY REVISION

It was the earnest desire of Iraqis that the revision of the subsidiary agreements should be undertaken without delay. Shortly after their ratification a financial mission, composed of Major E. Hilton Young and Mr. R. V. Vernon, was sent to Iraq (1925) to make a study of the local situation and to report on methods of balancing the budget and meeting the obligations imposed on the country by the financial agreement. This commission recommended that the British government should forego any claim to repayment by Iraq of any part of the value of the public works mentioned in the first part of the agreement, since Iraq would be unable to meet both the burden of these payments and the payments due on account of the Ottoman Public Debt.⁵⁶ Accordingly, to the great satisfaction of the Iraqis, the High Commissioner announced in 1926 that Great Britain renounced all claim to the Rs. 94,09,540 (about \$3,500,000) cited in the agreement.

The Iraq government was anxious to acquire the ownership of the Iraq railways, but was unwilling to meet the valuation placed on them by British negotiators. The question of how much the lines were worth to the Iraq government was a complicated one. As the financial commission pointed out in its 1925 report, they were built hastily during the war for emergency purposes, and a good part of the materials used in their construction were second-hand and badly worn already. Bridges were temporary, rolling stock old. They were not appropriately placed for ordinary peace-time traffic. They were run on an annual deficit. It was imperative, in the opinion of the commission, that at least 15 lakhs of rupees (\$547,500) should be put into the railways immediately to prevent them from being forced to close

desiring instead a settlement with Turkey along the lines of the Locarno agreements, but the policy of the government was supported by a vote of 260 to 116 on February 18, 1926.

down. There was no prospect of any revenue accruing to the British government from the Iraq railways until 180 lakhs of rupees (\$6,500,000) of new capital had been put into them and time had been given for the resulting improvements to bring in returns. The Iraq government, it added, was not in a position to make any capital payment, or to bear the charges of any debt to the British government, in respect of a transfer of the ownership of the railways. To raise the capital required for the satisfactory running of the railways would be impossible "as long as the legal status of the railways is subject to the present obscurities and as long as the claims of British ownership weight the credit of the railways with something in the nature of a prior charge for their whole value."⁵⁸ The commission accordingly recommended the transfer of ownership to a corporation, whose capital stock should be divided between the British and Iraq governments. This arrangement would insure the independent management of the railways on sound business principles, regularize their status and free their assets from undefined obligations.⁵⁹

The two governments have failed hitherto to agree on the conditions of transfer, and this has had serious practical disadvantages, as foreseen by the commission. Not the least of these has been the inevitable delay in undertaking new construction essential to the healthy life of the entire system. The failure so far to extend the line from Kirkuk to Mosul through some of the most fertile regions of the entire country is the most notable example of this.⁶⁰

There was no formal revision of the financial agreement, however, in the sense desired by the Iraq government, after the

56. Great Britain, Colonial Office, *Report of Financial Mission appointed by the Secretary of State for the Colonies to enquire into the Financial Position and Prospects of the Government of Iraq, 1925*, London, H. M. Stationery Office, 1925, Cmd. 2438, p. 58-59.

58. *Ibid.*, p. 55.

59. *Ibid.*, p. 53.

60. Between 1926 and 1928 the mileage of the Iraq railways was reduced from 1,005 to 935. The number of passengers carried averaged about half a million yearly (in a population of about three million), many of the tickets bought being for short journeys only. *Iraq Annual Report*, 1928, p. 119-20.

Young-Vernon commission concluded its work. Instead Iraqis were forced to wait until 1927 before conversations on the subject could be taken up in earnest.

THE ABORTIVE TREATY OF 1927

Under the 1926 treaty the first quadrennial inquiry to determine the manner in which Anglo-Iraqi relations would be regulated should Iraq be admitted to League membership was to be completed in 1928. Conversations accordingly began in the spring of 1927 and were participated in by the head of the Middle East Department of the Colonial Office, who visited Baghdad in March. By July 1927 the British Cabinet had decided that it would be premature for Iraq to apply for League membership in 1928. The decision was a disappointment to the Iraq government, but it continued negotiations in the hope of concluding a treaty which might somewhat improve Iraq's status, even if League membership was beyond attainment at the moment. A treaty with this end in view was signed in London on December 14, 1927⁶¹ with the proviso that it should not be ratified until the financial and military agreements had been revised and the League's approval of all three measures had been received.

The terminology of the 1927 treaty differed widely from that of the 1922 treaty. The preamble of the 1927 treaty referred to the former instrument as being "no longer appropriate in view of the altered circumstances and of the progress made by the Kingdom of Iraq." It announced that a new treaty had been concluded between the two countries "on terms of equality." The first article of the text contained the unqualified statement that His Britannic Majesty recognized Iraq as an "independent sovereign State." Other provisions included the following:

(1) The Iraq government was to assume responsibility for the execution of all Great Britain's international undertakings with respect to Iraq. It undertook not to alter its Constitution in such a manner as to affect the rights and interests of foreigners adversely, or the rights of various racial, religious or linguistic groups in Iraq itself.

⁶¹ Great Britain, Colonial Office, *Iraq: Treaty between the United Kingdom and Iraq*, London, H. M. Stationery Office, 1927, Cmd. 2998.

(2) There was to be "full and frank consultation between the High Contracting Parties in all matters of Foreign Policy which may affect their common interests." The High Commissioner was to be placed in a position to keep the British government informed as to the progress of events in Iraq and the projects and proposals of the Iraq government, and he was to bring to the notice of the King of Iraq "any matter which His Britannic Majesty considers might prejudicially affect the well-being of Iraq or the obligations entered into under this Treaty."

(3) Great Britain promised to support Iraq's application for League membership in 1932, providing the existing rate of progress was maintained in Iraq and all went well in the interval.

(4) The provision of the 1922 treaty with respect to maintenance of the economic open door was still to be effective.

(5) New financial and military agreements were to be negotiated between Great Britain and Iraq, while the contracts of British officials in the country would be interpreted in every respect as if the British officials agreement of March 1924 were in existence. The former Judicial Agreement would remain in effect.

FAILURE TO REVISE FINANCIAL AND MILITARY AGREEMENTS

Negotiations for new financial and military agreements to supplement the 1927 treaty were begun early in 1928. The question of the transfer of the railways became acute. Another source of difficulty was the demand of the Iraq government that the site of the Port of Basrah be registered immediately in the name of the Iraq government. The British government insisted, on the contrary, that the site should be registered in the name of the Port Directorate, until Iraq discharged all its debts to Great Britain. Neither dispute has yet been settled.⁶²

Revision of the military agreement seemed to offer even greater difficulties. By this time only the first article of the agreement was recognized by the British government as being still actively in effect,⁶³ and some means was sought of bringing the instrument up to date so as to meet effectively the needs of the contracting parties.

⁶² Faced with the necessity of making drastic cuts in its 1930 budget on account of the fall in the price of grain and the depression of agriculture generally, the Iraqis have recently been more than ever anxious to secure an adjustment of the financial burdens imposed on them by the subsidiary agreement. Owing to the difficult financial situation in Iraq, Sir Hilton Young was sent to Baghdad again in 1930 on a 6 weeks' mission. His report is not yet published at time of writing (July 16, 1930).

⁶³ League of Nations, Permanent Mandates Commission, Minutes of the Tenth Session, p. 74.

In May 1927 the announcement was made that the Iraq government would introduce in Parliament a military conscription bill, in accordance with the declared policy of Prime Minister Ja'far Pasha.⁶⁴ Conscription, it was argued, would give Iraq an army large enough for the defense of the country at a cost which it could afford, and provide it relatively soon with a reserve of trained men who need not be maintained by the government except in case of emergency.

The proposal met with opposition from the Shi'ites (who feared to place so powerful an instrument in the hands of the Sunnite minority still in power in Baghdad) and by the Kurds of the north, who were not certain that the Arab majority would always permit them to enjoy an undisputed autonomy. It was also opposed by tribal shaikhs whose power over their own tribesmen would be all but destroyed by conscription. On the other hand, the proposal was supported by Sunnite nationalists and by General Daly, sent to Iraq by the British government to investigate the military situation.⁶⁵ The only declaration on the subject publicly made by the British authorities, however, was to the effect that if conscription was introduced it must be done on the definite understanding that British troops could not be used to dragoon unwilling Iraqis into the new conscript army.

During the 1927 negotiations for the revision of the subsidiary agreements the British government proposed that Iraq should undertake to reimburse it for that amount of expense incurred in maintaining British forces in Iraq which was over and above what it would have cost to maintain them at home in the United Kingdom. On August 18, 1928 Abdul Muhsin Beg, then Prime Minister, made the following statement in the Assembly: "We could not possibly agree to such an undertaking, which, I believe, would require the Government of Iraq, now and in future, to shoulder the responsibility of meeting very heavy financial obligations. It is our conviction that the British Government has in Iraq many political and economic interests, and that Britain should therefore shoulder this very heavy burden. . . ." The present obligation, he said, would be between £15,000 and £20,000 but if Great Britain should ever see fit to introduce a greater number of troops into Iraq for any reason there was no telling how much it might increase.⁶⁶

MILITARY FORCES IN IRAQ

The actual military situation in Iraq was represented in the following statements presented by Lt.-Col. L. S. Amery in the House of Commons on February 27, 1929.⁶⁷

Year	R.A.F.		Armored Car Companies	Cavalry Regiments	Infantry Battalions	Sapper & Miner Cos.	Batteries
	Squadrons	....		7	43	16	21 plus Indian Horse & Field
April 1, 1921	5	....				
1922	8	....		3	15	3	4
1923	8	4		2	13	1	3
1924	8	4		2	8	1	2
1925	8	3		2	8	1	2
1926	8	3		2	8	1	1
1927	5	8 sections		1	5	1	....
1928	5	7 sections		....	3	1	....
1929	5	6 sections		....	2	....	....
and Ancillary Services							

64. *Iraq Annual Report*, 1927, cited, p. 18.

65. General Daly disagreed in this matter with the senior British officials in Iraq and soon resigned.

66. *Baghdad Times*.

67. House of Commons, *Debates*, Vol. 225, col. 2014.

68. The Iraq Levies, recruited among the tribes and among Kurds and Assyrians in the north, but not among the settled village or townsfolk of Arabic-speaking districts (*Iraq Annual Report*, 1920-22, p. 68), relieved the imperial forces when the latter were withdrawn. They saw a good deal of action in pacifying the northern frontier and the Euphrates tribes. In 1928, however, they saw no action at all and the reduction of their numbers, which began in 1924, consequently continued.

This table illustrates the very drastic reductions in the number of British ground

troops which occurred after the pacification of the country between 1921 and 1923.

GROWTH OF IRAQ ARMY				
Year 1st April	Cavalry Regiments	Infantry Battalions	Batteries	Transport Companies
1922	2	3	2	2
1923	3	3	2	2
1924	3	4	3	2
1925	3	6	4	2
1926	3	6	4	3
1927	3	7	4	3
1928	3	7	5	3
1929	3	7	5	3

and Ancillary Services

The cost of maintaining military forces in Iraq, according to Mr. Amery's statement, had been as follows:

COST OF FORCES IN IRAQ		
	(in pounds sterling)	
	To British Government	To Iraq Government ^{68a}
1921-2	20,701,000	370,000
1922-3	7,184,000	533,000
1923-4	5,706,000	446,000
1924-5	4,447,000	710,000
1925-6	4,023,000	1,093,000
1926-7	3,420,000	911,000
1927-8	2,107,000	1,104,000

Successive Iraq governments were disappointed with the British response to their demands for revision of the military and financial agreements, and deadlock and bitterness ensued. Sir Henry Dobbs (who with the Air Officer Commanding had been bearing the brunt of the negotiations on behalf of the British government) reached the end of his term late in 1928. In his place was appointed Sir Gilbert Clayton, who in a decade of service in Egypt, Palestine, and Arabia had earned for himself the reputation of being a warm friend of the Arabs. Sir Gilbert Clayton reached his new post in February 1929; the impression soon got abroad that it was his ambition to see Iraq safely admitted to League membership before his term of office ended. Still, however, there was no immediate change in the actual policies of the Iraq and British governments with respect to the financial and military agreements.

The effects of this situation were referred to at some length in the annual report of the High Commissioner for 1928.

"The influence of this series of disappointments," he wrote, "has become markedly noticeable in the educated 'Iraqi's outlook on the political situation of his country, and shows itself in an increasing intolerance of British guidance and a disposition to feel that 'Iraq is ringed in by obstacles which at every turn thwart her efforts to be free. The idea is growing that the Treaty of Alliance concluded with Great Britain in 1922 set up a state of affairs which, if continued, will not only impede the realisation of the country's political aspirations, but will also prove inimical to the economic and social development of the country. The 'Iraqi critic argues that the government of a country by two Governments, one foreign and the other national, is an abnormality which, although possibly feasible in theory, is not in practice a workable scheme, and during the year under report this state of affairs in 'Iraq has been freely and openly condemned by many prominent 'Iraqi politicians, both in Parliament and in the Press. . . . The term ['the perplexing predicament'] is used to cover the anomaly that 'Iraq has national sovereignty and is yet under a mandate, to suggest the dilemma of Ministers, constitutionally responsible to Parliament, but subject to the influence of their British advisers, and to explain why it is that 'Iraq cannot create an army large enough to defend her frontiers without conscription and cannot apply conscription without having a strong army to enforce it. 'Iraq Ministers and administrators profess to find 'the perplexing predicament' in every department of the administration of the country. The 'Iraq Government controls and administers the railways and the Basra port, but does not own them, can declare martial law, but, under the Military Agreement, cannot administer it, and has an army but cannot move it except with the concurrence of the British High Commissioner. Foreign Governments (which are members of the

68a. Expenditure on native Indian troops in Iraq included.

League) can discriminate in tariff and other matters against 'Iraq subjects, but the 'Iraq Government has no power to retaliate; foreign subjects have special judicial privileges in 'Iraq while 'Iraqi subjects have no reciprocal advantages abroad. The 'Iraq Government pay half the cost of the expenses of the British High Commissioner and his staff in 'Iraq⁶⁹ but have no control over the expenditure incurred on this account, and finally, although under the Military Agreement the 'Iraq Government should, not later than four years from the date of the conclusion of the Agreement, accept full responsibility for the maintenance of internal order and for the defence of 'Iraq from external aggression, she had not up to the end of 1928 in practice assumed this responsibility."⁷⁰

EVENTS LEADING TO TREATY OF 1930

In 1929 there occurred an unexpected series of events which appreciably changed the situation. The King asked Sir Abdul Muhsin Beg, Prime Minister on several former occasions, to form a new government. The latter replied that he would resume office "only on condition that the unyielding attitude with which Great Britain confronted him during his last term of office be softened—that is, that a more conciliatory mood be adopted in reference to such matters as Iraq's defense, her railways, and the Port of Basrah."⁷¹

Sir Gilbert Clayton communicated this declaration to the British Labour government, which, in line with its general policy of conciliating Eastern peoples as far as possible,⁷² decided not to proceed with the 1927 treaty out of which misunderstandings had grown, and, on the other hand, to undertake unconditionally to support Iraq's application for League membership in 1932.⁷³

Sir Gilbert Clayton died suddenly, just before the resumption of office by Sir Abdul Muhsin Beg. Major Hubert Young, a newly appointed Counsellor to the High Commission, was instructed to take up the duties of Acting High Commissioner until the arrival

69. In 1929 the estimates presented to the British House of Commons included £25,000 to meet the British share of the upkeep of the High Commission in Iraq. (*House of Commons Debates*, January 31, 1929, Vol. 224, col. 1148.)

70. *Iraq Annual Report*, 1928, cited, p. 27.

71. *Near East and India*, September 5, 1929, p. 242.

72. Cf. speech of Mr. Ramsay MacDonald before the League Assembly, September 1929, *New York Times*, September 4, 1929.

73. These decisions were communicated to the Secretary-General of the League on November 4, 1929. Cf. League of Nations, Permanent Mandates Commission, *Minutes of the Sixteenth Session*, p. 183.

of Sir Gilbert Clayton's successor, Sir Francis Humphrys, former Minister to Afghanistan. The government of Sir Abdul Muhsin Beg, encouraged by the recent statement of British policy—and taking advantage, perhaps, of the unfamiliarity of the Acting High Commissioner with Iraqi affairs—launched forth on a more energetic program than any former Iraq government had attempted. All departments of government were to be reorganized in anticipation of the attainment of a new status by Iraq. New contracts would not be issued to foreigners; contracts about to expire would not be renewed. The national defense bill for the establishment of military conscription which successive governments had been attempting to introduce, but without encouragement from British officials, would be submitted to Parliament at last, four years after the first bill for this purpose had been drafted. The Iraq Petroleum Company would be put under pressure to fulfil certain terms of its contract which had not been complied with.⁷⁴

The Acting High Commissioner, not feeling himself to be in a position to set any new precedents on behalf of the British government, opposed all these measures. The response of Sir Abdul Muhsin Beg was to commit suicide (November 13, 1929). In a widely quoted farewell letter to his son he wrote in part:

"The nation expects service, but the British do not agree to our demands. I have never had sufficient support. The Iraqi people, who are demanding independence, are weak. They are too weak and very far from deserving independence, yet they have been unable to appreciate advice given them by men of honour like myself. They have thought me a traitor to my country and a servant of the British. . . ."⁷⁵

The struggle was taken up by his successors. The draft national defense bill was given for study and revision to a committee composed of the Ministers of Defense, Finance, and Communications and Works and the Inspector-General of the Iraq Army. Later it was to be presented to the Cabinet and ultimately to Parliament. The government was kept under pressure from elements within Parliament and outside it to hasten

74. *Near East and India*, December 5, 1929, p. 616.

75. *The Times*, London, November 15, 1929, p. 13. It was generally believed in Great Britain that private financial worries had also contributed to Sir Abdul Muhsin Beg's depression.

the revision of the financial and military agreements with the British.⁷⁶ The Iraq government was urged to reduce the British personnel in its employ to the eighteen members required under Article I of the agreement. Vigorous press attacks continued until General Nuri Pasha as-Sa'id, a strongly nationalist Prime Minister who was the second to hold office after Sir Abdul Muhsin Beg's death, appealed to newspaper editors to adopt an attitude more in keeping with the requirements of ordinary good taste.⁷⁷

In a widely quoted open letter "to Sir Kinahan Cornwallis and all British officials in the Iraq government" published in *Al Iraq* on November 27, 1929, it was charged that they were too far from the people of Iraq to know what the latter were thinking and saying. They were reproached for an alleged determination to maintain imperialist traditions in Iraq and a reluctance to consider themselves mere technical experts whose duty it was to give advice only when called upon for it.⁷⁸

The completeness of the control exercised by the High Commissioner had continued since 1920 to be a matter of comment in Iraq. In all matters of primary importance, it was averred, the High Commissioner sent out to British officials in the employ of the Iraq government orders which it was their duty to obey, so that in practice the British advisers attached to Ministries gave their own opinions to Iraqi Ministers only on matters of relative unimportance, while in all other cases they merely transmitted orders received from headquarters which Iraqi Ministers dared not ignore. Meanwhile popular criticism of the details of administration was diverted from the advisers to the Iraqi Ministers, who were the visible symbols of policies adopted at the behest of the invisible British officials.

In 1920 British civil officials (in all grades) totalled 1,022 while Indian employees numbered 2,216 and Arab employees

76. It was even suggested in the Assembly that no measure submitted by the Cabinet should be adopted until the Prime Minister could report that some actual progress had been made in the negotiations. *Near East and India*, February 20, 1930, p. 199.

77. For his communiqué to the press, cf. *Near East and India*, May 1, 1930, p. 478 and May 15, p. 536.

78. For text of the letter, cf. *Near East and India*, December 26, 1929, p. 709.

8,566. These figures do not include the personnel of the railway administration (almost 8,000 Iraqis and about 1,800 non-Iraqis in 1925).⁷⁹ Of the 1,022 British "officials," however, only 106 held civil executive positions—a number "certainly considerably less than that of superior Turkish officials employed before the war in similar capacities in Mesopotamia."⁸⁰ In 1925 the number of British officials employed by the Iraq government was "about 155."⁸¹

The probity of British officials and the tradition established under the British occupation that every city and town, in return for the taxes it paid, should receive some direct advantage in the form of improved streets, lighting and sanitation, were innovations whose value was recognized by all, even though they may not have caused all Iraqis to become completely resigned to the new efficiency of the tax-collecting machinery.⁸² It was not until after Sir Gilbert Clayton's arrival and after the decision had been made by the British Labour government to support Iraq's application for League membership in 1932 that the British press began seriously to advocate the rapid transfer of actual responsibility to Iraqi officials. Even then there was a general feeling in British circles that Iraqis were too inexperienced in handling parliamentary forms of government to permit an entire transfer of responsibility to them before 1932, so that even after Iraq's admission to the League of Nations some provision should be made for continued assistance by British officials.⁸³

THE 1930 TREATY

Through the spring and early summer of 1930 the government of Nuri Pasha as-Sa'id continued negotiations with Sir Francis Humphrys; on July 1 it was officially announced that they had succeeded in reaching an agreement on the terms of a treaty of alliance and amity, to come into effect when

79. *Iraq Annual Report*, 1920-1922, cited, p. 122; also 1925, p. 119.

80. *Review of the Civil Administration of Mesopotamia*, cited, p. 74, 125.

81. *Report of the Financial Mission*, cited, p. 27.

82. For details of local and general improvements, including irrigation projects, campaigns against locusts and other insect pests, and the provision of roads and other public works, cf. *Iraq Annual Reports*, cited, *passim*.

83. For a typical expression of this view, cf. *Near East and India*, March 27, 1930, p. 338.

Iraq is admitted to League membership. The text of the treaty signed in Baghdad was not published until July 18, 1930, but its more important provisions were known before this date.

There was criticism of Nuri Pasha in Iraq because he had signed the treaty before arriving at a definite agreement with Sir Francis Humphrys concerning the military and financial questions which still troubled Anglo-Iraqi relations. His critics maintained that no further attempts to regulate general relations between the two governments should be made by any Iraqi government until some definite indication had been given by Great Britain that it was willing to meet detailed Iraqi demands with respect to the subsidiary agreements. The only actual achievement of this nature announced by Nuri Pasha at the time of the signing of the new treaty was an arrangement by virtue of which in the coming financial year Great

Britain would meet the entire cost of the High Commissioner's staff in Baghdad instead of half of it as heretofore.⁸⁴

Almost immediately after announcing the signing of the treaty, Prime Minister Nuri Pasha left Baghdad for London, King Faisal having preceded him to a watering-place in Europe. Sir Francis Humphrys and Nuri Pasha expected to take up with the British authorities in London the questions which still awaited settlement, while King Faisal will remain within call.

If during the course of the summer an announcement can be made that agreement has been reached on these outstanding questions, the scene of interest will shift immediately to Iraq, where parliamentary elections are to be held and an opportunity given the electorate to indicate whether or not they are willing to apply for League membership on the terms arranged by the present government.

APPENDIX

TREATY OF ALLIANCE BETWEEN THE UNITED KINGDOM AND IRAQ*

Signed at Baghdad, June 30, 1930

ARTICLE 1.

There shall be perpetual peace and friendship between His Britannic Majesty and His Majesty the King of 'Iraq.

There shall be established between the High Contracting Parties a close alliance in consecration of their friendship, their cordial understanding and their good relations, and there shall be full and frank consultation between them in all matters of foreign policy which may affect their common interests.

Each of the High Contracting Parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance or might create difficulties for the other party thereto.

ARTICLE 2.

Each High Contracting Party will be represented at the Court of the other High Contracting Party by a diplomatic representative duly accredited.

ARTICLE 3.

Should any dispute between 'Iraq and a third State produce a situation which involves the risk of a rupture with that State, the High Contracting Parties will concert together with a view to the settlement of the said dispute by peaceful means in accordance with the provisions of the Covenant

of the League of Nations and of any other international obligations which may be applicable to the case.

ARTICLE 4.

Should, notwithstanding the provisions of Article 3 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of Article 9 below, immediately come to his aid in the capacity of an ally. In the event of an imminent menace of war the High Contracting Parties will immediately concert together the necessary measures of defence. The aid of His Majesty the King of 'Iraq in the event of war or the imminent menace of war will consist in furnishing to His Britannic Majesty on 'Iraq territory all facilities and assistance in his power including the use of railways, rivers, ports, aerodromes and means of communication.

ARTICLE 5.

It is understood between the High Contracting Parties that responsibility for the maintenance of internal order in 'Iraq and, subject to the provisions of Article 4 above, for the defence of 'Iraq from external aggression rests with His Majesty the King of 'Iraq. Nevertheless His Majesty the King of 'Iraq recognises that the permanent maintenance and protection in all circumstances of the essential

⁸⁴ *The Times*, London, July 2, p. 14.

*London, H. M. Stationery Office, Cmd. 3627.

communications of His Britannic Majesty is in the common interest of the High Contracting Parties. For this purpose and in order to facilitate the discharge of the obligations of His Britannic Majesty under Article 4 above His Majesty the King of 'Iraq undertakes to grant to His Britannic Majesty for the duration of the Alliance sites for air bases to be selected by His Britannic Majesty at or in the vicinity of Basra and for an air base to be selected by His Britannic Majesty to the west of the Euphrates. His Majesty the King of 'Iraq further authorises His Britannic Majesty to maintain forces upon 'Iraq territory at the above localities in accordance with the provisions of the Annexure of this Treaty on the understanding that the presence of those forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of 'Iraq.

ARTICLE 6.

The Annexure hereto shall be regarded as an integral part of the present Treaty.

ARTICLE 7.

This Treaty shall replace the Treaties of Alliance signed at Baghdad on the tenth day of October, One thousand nine hundred and twenty-two of the Christian Era, corresponding to the nineteenth day of Safar, One thousand three hundred and forty-one, Hijrah, and on the thirteenth day of January, One thousand nine hundred and twenty-six of the Christian Era, corresponding to the twenty-eighth day of Jamadi-al-Ukhra, One thousand three hundred and forty-four, Hijrah, and the subsidiary agreements thereto, which shall cease to have effect upon the entry into force of this Treaty. It shall be executed in duplicate, in the English and Arabic languages, of which the former shall be regarded as the authoritative version.

ARTICLE 8.

The High Contracting Parties recognise that, upon the entry into force of this Treaty, all responsibilities devolving under the Treaties and Agreements referred to in Article 7 hereof upon His Britannic Majesty in respect of 'Iraq will, in so far as His Britannic Majesty is concerned, then automatically and completely come to an end, and that such responsibilities, in so far as they continue at all, will devolve upon His Majesty the King of 'Iraq alone.

It is also recognised that all responsibilities de-

volving upon His Britannic Majesty in respect of 'Iraq under any other international instrument, in so far as they continue at all, should similarly devolve upon His Majesty the King of 'Iraq alone, and the High Contracting Parties shall immediately take such steps as may be necessary to secure the transference to His Majesty the King of 'Iraq of these responsibilities.

ARTICLE 9.

Nothing in the present Treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the twenty-seventh day of August, One thousand nine hundred and twenty-eight.

ARTICLE 10.

Should any difference arise relative to the application or the interpretation of this Treaty and should the High Contracting Parties fail to settle such difference by direct negotiation, then it shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

ARTICLE 11.

This Treaty shall be ratified and ratifications shall be exchanged as soon as possible. Thereafter it shall come into force as soon as 'Iraq has been admitted to membership of the League of Nations.

The present Treaty shall remain in force for a period of twenty-five years from the date of its coming into force. At any time after twenty years from the date of the coming into force of this Treaty, the High Contracting Parties will, at the request of either of them, conclude a new Treaty which shall provide for the continued maintenance and protection in all circumstances of the essential communications of His Britannic Majesty. In case of disagreement in this matter the difference will be submitted to the Council of the League of Nations.

In faith whereof the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done at Baghdad in duplicate this thirtieth day of June, One thousand nine hundred and thirty, of the Christian Era, corresponding to the fourth day of Safar, One thousand three hundred and forty-nine, Hijrah.

ANNEXURE TO TREATY OF ALLIANCE

1.

The strength of the forces maintained in 'Iraq by His Britannic Majesty in accordance with the terms of Article 5 of this Treaty shall be determined by His Britannic Majesty from time to time after consultation with His Majesty the King of 'Iraq.

His Britannic Majesty shall maintain forces at Hinaidi for a period of five years after the entry into force of this Treaty in order to enable His Majesty the King of 'Iraq to organise the necessary

forces to replace them. By the expiration of that period the said forces of His Britannic Majesty shall have been withdrawn from Hinaidi. It shall be also open to His Britannic Majesty to maintain forces at Mosul for a maximum period of five years from the entry into force of this Treaty. Thereafter it shall be open to His Britannic Majesty to station his forces in the localities mentioned in Article 5 of this Treaty, and His Majesty the King of 'Iraq will grant to His Britannic Majesty for the duration

of the Alliance leases of the necessary sites for the accommodation of the forces of His Britannic Majesty in those localities.

2.

Subject to any modifications which the two High Contracting Parties may agree to introduce in the future, the immunities and privileges in jurisdictional and fiscal matters, including freedom from taxation, enjoyed by the British forces in 'Iraq will continue to extend to the forces referred to in Clause 1 above and to such of His Britannic Majesty's forces of all arms as may be in 'Iraq in pursuance of the present Treaty and its Annexure or otherwise by agreement between the High Contracting Parties, and the existing provisions of any local legislation affecting the armed forces of His Britannic Majesty in 'Iraq shall also continue. The 'Iraq Government will take the necessary steps to ensure that the altered conditions will not render the position of the British forces as regards immunities and privileges in any way less favourable than that enjoyed by them at the date of the entry into force of this Treaty.

3.

His Majesty the King of 'Iraq agrees to provide all possible facilities for the movement, training and maintenance of the forces referred to in Clause 1 above and to accord to those forces the same facilities for the use of wireless telegraphy as those enjoyed by them at the date of the entry into force of the present Treaty.

4.

His Majesty the King of 'Iraq undertakes to provide at the request and at the expense of His Britannic Majesty and upon such conditions as may be agreed between the High Contracting Parties special guards from his own forces for the protection of such air bases as may, in accordance with the provisions of this Treaty, be occupied by the forces of His Britannic Majesty, and to secure the enactment of such legislation as may be necessary for the fulfilment of the conditions referred to above.

5.

His Britannic Majesty undertakes to grant whenever they may be required by His Majesty the King

of 'Iraq all possible facilities in the following matters, the cost of which will be met by His Majesty the King of 'Iraq.

1. Naval, military and aeronautical instruction of 'Iraqi officers in the United Kingdom.

2. The provision of arms, ammunition, equipment, ships and aeroplanes of the latest available pattern for the forces of His Majesty the King of 'Iraq.

3. The provision of British naval, military and air force officers to serve in an advisory capacity with the forces of His Majesty the King of 'Iraq.

6.

In view of the desirability of identity in training and methods between the 'Iraq and British armies, His Majesty the King of 'Iraq undertakes that, should he deem it necessary to have recourse to foreign military instructors, these shall be chosen from amongst British subjects.

He further undertakes that any personnel of his forces that may be sent abroad for military training will be sent to military schools, colleges and training centres in the territories of His Britannic Majesty, provided that this shall not prevent him from sending to any other country such personnel as cannot be received in the said institutions and training centres.

He further undertakes that the armament and essential equipment of his forces shall not differ in type from those of the forces of His Britannic Majesty.

7.

His Majesty the King of 'Iraq agrees to afford, when requested to do so by His Britannic Majesty, all possible facilities for the movement of the forces of His Britannic Majesty of all arms in transit across 'Iraq and for the transport and storage of all supplies and equipment that may be required by these forces during their passage across 'Iraq. These facilities shall cover the use of the roads, railways, waterways, ports and aerodromes of 'Iraq, and His Britannic Majesty's ships shall have general permission to visit the Shatt-al-Arab on the understanding that His Majesty the King of 'Iraq is given prior notification of visits to 'Iraq ports.

SUMMARY OF NOTES EXCHANGED

On June 30, 1930, the day on which the treaty was signed, four notes were exchanged between Sir Francis Humphrys and Noury Said, Foreign Minister of Iraq. The points covered may be summarized as follows:

1. The British government announce that His Majesty's diplomatic representative in Iraq shall have the status of Ambassador.

2. The British and Iraq governments agree that all outstanding financial questions shall form the subject of a separate agreement, to be concluded as soon as possible and to form an integral part of the present treaty.

3. The Iraq government declares that it will nor-

mally engage British subjects when in need of the services of foreign officials; such officials to be selected after consultation between the two governments. It is understood that this shall not prejudice the freedom of the Iraq government to engage non-British foreign officials when suitable British subjects are not available.

The validity of contracts already in existence between the Iraq government and British officials is not affected by the Treaty of Alliance.

4. The Iraq government declares its intention to ask for a British Advisory Military Mission, the numbers of which shall be decided before the treaty goes into force.